

OSAGE VALLEY BANNER.

VOL. I.

TUSCUMBIA, MILLER COUNTY, MISSOURI, THURSDAY, AUGUST 21, 1879.

NO. 33.

Osage Valley Banner.

Official Paper of Miller County.

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Office: On first floor of Masonic and
Odd Fellows building.

TERMS OF COURT:

CIRCUIT COURT: Meets Second Monday in
February and Second Monday in September;
E. L. EDWARDS, Judge.

COUNTY COURT: Meets First Monday in
February, May, August and November;
W. R. WRIGHT, presiding justice; JOHN
S. JONES, 1st district, HIRSH REED, 2nd
district, associate justices.

PROBATE COURT: Meets Second Mon-
day in February, May, August and Nov-
ember; JAS. H. TOWN, Judge.

SHERIFF'S SALE.

By virtue of a transcript execution, issued
from the office of the Clerk of the Circuit
Court of Miller county, Missouri, in favor
of the State of Missouri, at the relation and
to the use of P. S. Miller, collector of the
revenue of Miller county, in the State of
Missouri, and against Joseph Henry Lohman
and the 20th day of Feb'y, A. D. 1879, and
to the undersigned Sheriff delivered, I will on
Friday, September 12th, 1879,

between the hours of nine o'clock in the
forenoon and five o'clock in the afternoon
of that day, at the Court house door in the town
of Tuscumbia, Miller county, Missouri, and
while the Circuit Court of Miller county is
in session, expose to sale at public auction
to the highest bidder for cash in hand, all the
right, title, interest and estate of the said
Joseph Henry Lohman, of, in and to the fol-
lowing described real estate, situated in the
county of Miller and State of Missouri, to-wit:

Two hundred and forty acres south-
west quarter and southeast quarter northeast quar-
ter and southeast quarter northwest quarter
section thirteen, township forty, range sixteen,
levied upon and to be sold to satisfy said execution
and costs.

P. S. MILLER, Sheriff.

SHERIFF'S SALE.

By virtue of a special transcript execution,
issued from the office of the Clerk of the
Circuit court of Miller county, Missouri, in
favor of the State of Missouri, at the relation
and to the use of P. S. Miller, collec-
tor of the revenue of Miller county, in the
State of Missouri, and against Charles Y. N.
Wyrick, dated the 11th day of August 1879, and
to the undersigned Sheriff delivered, I will on
Friday, September 12th, 1879,

between the hours of nine o'clock in the fore-
noon and five o'clock in the afternoon of that
day, at the Court house door in the town of
Tuscumbia, Miller county, Missouri, and
while the Circuit Court of Miller county is
in session, expose to sale at public auction to
the highest bidder for cash in hand, all the
right, title, interest and estate of the said
Charles Y. N. Wyrick, of, in and to the following
described real estate, situated in the county
of Miller and State of Missouri, to-wit:

Eighty acres west half southwest quarter
and forty acres southwest quarter northwest
quarter section thirty-six, township forty,
range fourteen, levied upon and to be
sold to satisfy said execution and costs.

P. S. MILLER, Sheriff.

SHERIFF'S SALE.

By virtue of a transcript execution, issued
from the office of the Clerk of the Circuit
Court of Miller county, Missouri, in favor
of the State of Missouri, at the relation and
to the use of P. S. Miller, collector of the
revenue of Miller county, in the State of
Missouri, and against William Overton, dated
the 11th day of August, A. D. 1879, and
to the undersigned Sheriff delivered, I will on
Friday, September 12th, 1879,

between the hours of nine o'clock in the fore-
noon and five o'clock in the afternoon of that
day, at the Court house door in the town of
Tuscumbia, Miller county, Missouri, and
while the Circuit Court of Miller county is
in session, expose to sale at public auction to
the highest bidder for cash in hand, all the
right, title, interest and estate of the said
William Overton, of, in and to the following
described real estate, situated in the county
of Miller and State of Missouri, to-wit:

Eighty-one acres lot six northwest quarter
section one, township thirty-nine, range four-
teen; sixty acres lot six northeast quarter
section two, township thirty-nine, range four-
teen, levied upon and to be sold to satisfy
said execution and costs.

P. S. MILLER, Sheriff.

SHERIFF'S SALE.

By virtue of a special transcript execution,
issued from the office of the Clerk of the
Circuit court of Miller county, Missouri, in
favor of the State of Missouri, at the relation
and to the use of P. S. Miller, collec-
tor of the revenue of Miller county, in the
State of Missouri, and against Isaac
Zumalt and Sarah Zumalt, dated
the 23rd day of July 1879, and to the
undersigned Sheriff delivered, I will on
Friday, September 12th, 1879,

between the hours of nine o'clock in the fore-
noon and five o'clock in the afternoon of that
day, at the Court house door in the town of
Tuscumbia, Miller county, Missouri, and
while the Circuit court of Miller county is
in session, expose to sale at public auction to
the highest bidder for cash in hand, all the
right, title, interest and estate of the said
Isaac Zumalt and Sarah Zumalt
of, in and to the following
described real estate, situated in the county
of Miller and State of Missouri, to-wit:

Twenty acres south part southeast quarter
southwest quarter section sixteen, township
thirty-eight, range thirteen, levied upon and
to be sold to satisfy said execution and costs.
P. S. MILLER, Sheriff.

SHERIFF'S SALE.

By virtue of a transcript execution, issued
from the office of the Clerk of the Circuit
Court of Miller county, Missouri, in favor
of the State of Missouri, at the relation
and to the use of P. S. Miller, Collec-
tor of the revenue of Miller county, Mis-
souri, and against David Barnett, dated the
18th day of July 1879, and to the un-
dersigned Sheriff delivered, I will on
Friday, September 12th, 1879,

between the hours of nine o'clock in the fore-
noon and five o'clock in the afternoon
of that day, at the Court house door in the town
of Tuscumbia, Miller county, State of
Missouri, and while the Circuit Court of
Miller county is in session, expose to sale at
public auction to the highest bidder for cash
in hand, all the right, title, interest and estate
of the said David Barnett, of, in and to the fol-
lowing described real estate situated in the
County of Miller, and State of Missouri, to-wit:

West half northwest quarter section twenty-
three, township forty, range twelve, levied
upon and to be sold to satisfy said execution
and costs.

P. S. MILLER, Sheriff.

SHERIFF'S SALE.

By virtue of a transcript execution, issued
from the office of the Clerk of the Circuit
Court of Miller county, Missouri, in favor
of the State of Missouri, at the relation and
to the use of James M. Brockman, Collector
of Revenue of Miller county, Missouri, and
against Joseph W. McClurg, dated the 11th day
of August 1879, and to the undersigned
Sheriff delivered, I will on
Friday, September 12th, 1879,

between the hours of nine o'clock in the fore-
noon and five o'clock in the afternoon of that
day, at the Court house door in the town of
Tuscumbia, Miller county, State of Missou-
ri, and while the Circuit Court of Miller county
is in session, expose to sale at public auction
to the highest bidder for cash in hand, all the
right, title, interest and estate of the said
Joseph W. McClurg, of, in and to the fol-
lowing described real estate situated in the
County of Miller and State of Missouri, to-wit:

Forty acres northwest quarter northwest
quarter section twenty-eight, township thirty-
three, range twelve, levied upon and to be
sold to satisfy said execution and costs.

P. S. MILLER, Sheriff.

T. B. Robinson,

ATTORNEY AT LAW.

Tuscumbia, Mo.

[Office at present in the Court House.]

Probate business, Collections, Partitioning
Lands and Quelling Titles a Specialty.
Have been Clerk of the County and Circuit
Courts for 12 years, am familiar with the
Records, have the only ABSTRACT OF
TITLES in the county. Charges reasonable.

E. C. Swalem,

ATTORNEY AT LAW.

Tuscumbia, Mo.

Will practice his profession in Miller and
adjoining counties.

Jacob Gantt,

ATTORNEY AT LAW.

Tuscumbia, Mo.

All business entrusted to his care will be
promptly and faithfully attended to.

Isaiah Lichem,

Attorney at Law, Notary Public and

LAND AGENT.

Iberia, Mo.

Will practice his profession in Miller and
adjoining counties.

Geo. T. White,

Attorney at Law,

Jefferson City, Mo.

A. F. NIXDORF, M. D.,

Practicing Physician and

SURGEON.

Pleasant Farm, Mo.

J. B. MCGEE,

Physician and Surgeon and

ACCOUCHER,

Tuscumbia, Mo.

Diseases of Women and Children made a
specialty.

H. BRADLEY FORD,

Physician and Surgeon.

Tuscumbia, Mo.

J. L. CONNER,

Physician and Surgeon.

Brumley Mo.

G. W. SHELTON,

Physician and Accoucher and

OCULIST.

Rocky Mt. Mo.

Special attention given to diseases of
Women and Children.

Geo. W. TREMAIN,

Physician and Surgeon,

OCULIST and AURIST

P. O. address, Tuscumbia, Mo.

DANIEL CUMMINGS,

Notary Public & Land Agent,

Tuscumbia, Mo.

Wm. E. LURTON,

CONVEYANCER.

Jim Henry Township,

Miller — County — Missouri.

Will attend to all business entrusted to
him promptly.

O. A. Bowman,

DENTIST,

California, Mo.

Will visit Tuscumbia on the 4th Tuesday
of each month and remain two days.

—Locals on Seventh page.

Public School Text Books.

The public schools of this State are mak-
ing changes in their text books, and Mr.
Mack J. Learning, of the Board of Educa-
tion, having some doubts about the right to
make a change, has consulted the Attorney
General on the subject, and gets the follow-
ing opinion, which will be of interest to all
school boards in the State and cause them
to halt before going too far.

OFFICE OF J. L. SMITH, ATT'Y GENERAL,
STATE OF MISSOURI,
CITY OF JEFFERSON, Aug. 20th 1879

Mack J. Learning, Esq., Prosecuting Attor-
ney, Jefferson City, State of Missouri:

Sir—I have in answer to a question propo-
unded by the Board of Education, Public
Schools fully answered the inquiry con-
tained in yours of the 14th inst. The reply in
substance was, that in my opinion, the pro-
visions of section forty-two of the general
school law (acts of 1874, p. 147, 58) were ap-
plicable to all school districts in the State,
whether composed of cities, towns and villages
or not. By the terms of said act and of the
act of April 23, 1877, (acts of 1876, p. 407),
this is beyond question. Under said section
forty-two, a meeting to make a selection of
text books could only have been legally held
in January, 1875, and can only be held at
the expiration of five years thereafter, i. e. in
January, 1880. It is further provided that
"no change shall be made by the introduc-
tion of any book not included in the list so
adopted, for the period of five years from
their adoption." This provision is prohibi-
tory in its terms, and a change before the ex-
piration of the term named would be in viola-
tion of it. The language used is clear and
there is no room for doubt or for construc-
tion.

If any board of directors either fail to
adopt the books selected at said meeting,
held under section 42, supra; or shall intro-
duce any book on the same subject, other
than so adopted, and persist in so doing its
members will subject themselves to the pen-
alties prescribed in section ninety-one of the
general school law. (Acts of 1874, pages
147-165,) for neglect or refusal to perform a
duty pertaining to their office.

In answer to your question, "what officer
or person would be the proper one to in-
stitute proceedings for the recovery of the pen-
alty imposed by section 91, supra," I will
state that violations of said section are de-
clared to be misdemeanors, and that there is
no provision placing them on a footing dif-
ferent from other misdemeanors; hence, they
must be prosecuted in the same manner and
by the same officers.

Very Respectfully,

J. L. SMITH,

Attorney-General.

THE TIPTON RAIL ROAD LOST.

On yesterday the County Judges, In-
glish and Cowlen, over the heads of eight
hundred petitioners, with not a single remon-
strance, refused to extend the time to the
1st day of January next for the completion of
the road. Judge Gehrs was in favor of it.
Every lawyer in Versailles, including the
county attorney, elected by the people as the
legal adviser of the court, had filed an opin-
ion in writing, that the court had the
authority to extend the time; and not only
were these opinions put on file; but the
court was told over and over again that if
they were not satisfied with the opinions of
their own attorneys, they could take the
opinion of any lawyers in the state. But,
two members of the court having prejudged
the case, as it is said can be proved by their
own declarations and admissions no argu-
ment, no petitions could induce them to act
impartially in the matter. For the good
name of our county, we trust that no Judge
has so forgotten his duty as an official and
his oath as a judge, as to lay himself liable
to the criminal law by deciding a case be-
fore it was presented or heard. What then
influenced the court to disregard the petition
of eight hundred as good citizens—as intelli-
gent and respectable voters and tax-payers
as ever signed a petition? Why insult the
petitioners? We take it for granted the
court was satisfied they had the lawful
power to obey the request of the petitioners—
their own attorney had advised them they
had the lawful power to obey the request of
the petitioners—their own attorney had ad-
vised them they had such authority, and al-
though invited to do so, they did not ask the
opinion of outside lawyers. Did they act upon
their own opinion of what the law was? When
did they become such profound law-
yers? Who would have imagined that Squire
Inglish and Mr. Bowen were such profound
constitutional and statutory lawyers?
It is somewhat remarkable that in this in-
stance their able legal minds could decide
that it was a saving to the county to kill the
road, when at the same time, they ordered a
tax of over seven thousand dollars to be
levied to pay interest of the railroad bonds.
There was no necessity for the levy now. It
was a voluntary act, and a voluntary tax
settled upon the people.
—Versailles Gazette.

Kind Words—Let us Speak them.

A little word spoken in the dark hours of
grief, when the heavy clouds of sorrow roll
over the bruised and bleeding spirit—one
kind word will break through the darkening
gloom, with a sunlight radiance, and rekindle
the expiring embers of hope and joy in the
sorrowful heart. One kind pressure of the
hand, or a gentle look, will do far more to
cheer the broken heart, when bowed with
sorrow, than the loudest professions of
friendship.

The human heart is a mysterious thing,
actuated by strange impulses and hopes; and
hidden in the breast of every living being is
a fountain of love. It may be choked up by
the severity of afflictions; it may be uncon-
scious by the deep of grief; but still it
remains, and often one word—one little
word, or look of kindness and affection—
will cause the sweet waters to overflow.
There is a magic spell in kindness expressed
either by the gentle glance or the soft word,
or the pressure of the hand! Deep and un-
utterably are the emotions which rise in the
heart at such a token; it causes all the warm
impulses of life to beat with newer and more
ardent aspirations; it gives frail mortality a
foretaste of that brighter and better world,
where kindness is the attribute of its occu-

pants, and where joy forever abides.

There is fearful importance in a word un-
kindly and harshly uttered, and the impres-
sion left will not be effaced. How often has
a mischievous word caused sorrow and pain
in the hearts of the innocent! How often
have the bolts of justice and envy pierced the
soul, causing the very heart to bleed, and
tossing the best and purest feelings of the
heart! A word unkindly or unjustly spoken
is a cruel thing. But deeds of kindness—
God, bless them and their giver! They are
recorded by angels in heaven, and they are
indeed written in living letters upon the
heart of the receiver. Kindness does not
consist in an ostentatious display of words or
a pharisaical parade of wealth and generos-
ity. It is the power of all to administer the
healing balm, if love, the blessed rule of our
Savior, is made the guide of our lives, and
we do unto others even as we would that
others should do to us.

FARMER'S WIFE.

The St. Louis Times-Journal will be sold
at trustees sale next Saturday.

The contract for building the Mo. Central
railroad was drawn up on the 13th.

St. Louis's receipt of peaches from Arkan-
sas during last week was about 600 boxes
daily.

Misses Mary Allen, of Franklin county,
and Cordelia Allen of Miller county, are
visiting in Rolla.—Herald.

Our minister to Great Britain, John Welsh,
is a land owner in Phelps county. His land
was sold last week for delinquent taxes.—
Rolla Herald.

Gen'l Grant's only daughter, Nelly Sar-
torb, died suddenly at Warash House, Litch-
field, Hampshire county, England, on the
20th of Aug.

A man named Galloway was shot and kil-
ed, Saturday the 9th inst., on Routidoux,
Pulaski county, by his step-son, a boy about
15 years of age.

Blankenship, Reed and Emory, the coun-
terfeits recently arrested in Camden county,
have been bound over for their appearance
at the September term of the U. S. court.

Mr. J. M. Wray, residing near town, was
bitten last Friday by a rattlesnake on one
of the fingers of his left hand. King Alcho-
hol got in his work nobly, and the bite is not
now considered dangerous.—Versailles
Gazette.

Boone county 5th annual Fair of the A. &
M. Association have the compliments of
BANKERS' FRATERNITY.

From the premium list it evidences the as-
sociation is in a prosperous condition.

The County Court of Montezuma county on
the 11th inst. granted license to the saloon
keepers of California. A short term with-
out license in that town, it seems, has con-
vinced the court and citizens that it was best
to grant license.

The report of the secretary of the treasury
for the month of June shows the public debt
to be, principal, \$2,349,667,482.04; interest,
\$30,792,351.34; total, \$2,380,459,833.38. The
total cash in the treasury is \$353,152,577.01
and the decrease of the debt since June 30,
1878, is \$8,570,575.45.

Good times do not necessarily mean big
prices. Figure the thing out, and see if a
day's work or a bushel of wheat will not buy
as much now as it did ten years ago. What
we want is employment for labor and a de-
mand for our products, and we are promis-
ed these in the very near future.—Lexington
Intelligencer.

A conference of delegates representing
200,000 miners was held in Manchester, Eng.,
on the 18th inst. McDonald, president of
the conference, pointed out there was some
opening for miners in the United States, a
resolution was unanimously passed in favor
of emigrating to the United States.

If you want to make a city grow and prosper,
brag her up and then go to work. The men
who stand around and do nothing but
grumble, never have any confidence in them-
selves or the place in which they live. It is
the man who toils on and on, who always
believes that his city improving and is de-
termined to make a large place.—Fulton Tele-
graph.

The Dallas county court has been for some
time trying to evade the execution of a pro-
cess from the United States court. A man-
damus was issued, and they refused to obey
it. It is said that to avoid arrest they have
been holding court in the woods. We under-
stand that a green looking man
rode up to the court and proclaimed himself
a United States Marshal and arrested the
court, taking them to Springfield.

Have we not public spirited men sufficient
in Miller county to organize an immigration
society? An organization of this kind, com-
posed of men conversant with statistics and
facts concerning our county, its advantages,
etc., might be the means of securing to this
county a good share of immigrants that will
undoubtedly come West next fall. If we
want immigrants we must do as other coun-
ties are doing—organize societies and through
them let the world know our advantages.

We are informed by gentlemen from Salem
that the "Temperance Shield" paper started
at that place some time since, is dead.
It is really dead the men who used its col-
umns to stab Rolla and its citizens so perni-
cious will have to "organ" to carry out their
notorious designs. This is about the sixth
temperance (?) paper that has died in this
State the past year and all because their edi-
tors ignored the subject of temperance and
converted their sheets to the use of their own
personal spite.—R. H.

Alexander Daimar, a well-known stati-
stician, has given to the public a recent inter-
esting calculation of the wheat crop. He

puts the total estimate of the world at 1,540,-
000,000 bushels. This creates a deficit, princi-
pally in Europe, of 225,000,000 bushels. To
make up the deficit the United States must
contribute 150,000,000 bushels, Russia
50,000,000, Roumania 20,000,000, the re-
maining 5,000,000 to come from Canada,
Australia and India. He thinks that prices
will advance through the season. We can
afford to pay a higher price for bread since
our surplus eaters such wealth among the
producing classes.

The Globe Democrat says: "The colored
exodus is becoming a very serious matter to
the impetuous colored man who happens
to be mixed up in it, and is beginning to de-
velop a great deal of genuine misery and
suffering."

This was seen from the beginning by
those who understood the character and
habits of the negro. When cold winter comes,
and then there will indeed be genuine mis-
ery and misery amongst them. There are
now several thousands of these poor, de-
graded, deluded, creatures in Kansas starv-
ing, and many of them sick and dying, at
this abundant season of the year according to
Gov. St. John, because they can find no
work to do. But let winter come, with all
the rigors of Kansas climate, and when the
spring returns it will find few of them living,
and those that do get through the winter,
will be found the victims of disease contract-
ed at that unfriendly season, which will ren-
der them unable to earn their living in the
future. Everybody knows that the climate
of Kansas is too cold, the winters too severe
for the negro under the very best circum-
stances, but to compel the unaccustomed mob
fresh from the Sunny South, without a com-
fort in the world, or the means of earning, or
getting them, to remain in it, is to doom
them to death. One thing is certain the
charity of Kansas is exhausted, and sym-
pathy alone does not clothe the naked or feed
the hungry.

FEVER AND FIRE.

A New Combination at Memphis.

Valuable Property Destroyed by a Fire.

Supposed to be the Work of an Incendiary.

Twenty-Five New Cases of Yellow Fever
Reported.

MEMPHIS, TENN., Aug. 17.—Twenty-five
new cases were reported to the Board of
Health to-day, fifteen of whom were colored.
Several additional new cases beyond the
corporation line have also been reported.

A FIRE.

early this morning destroyed a large brick
building in the rear of the Howard's row.
It was used as an ice house. The property
was owned by the State Savings association
of St. Louis. Valued at \$6,000. The fire
was caused by an incendiary.

The weather is clear and cool. The ther-
mometer has ranged between 62 and 76.

A NEW SCHEME.

New Orleans Times.

The following was offered by Dr. Schup-
pert:

WHEREAS, No doubt can exist amongst
the present members of the Board of Health
about the danger of infection from persons
who have died of yellow fever; and

WHEREAS, It is our paramount duty to re-
move all sources of a spreading of the fever,
in case of its occurrence, as also to take such
preliminary steps that in case of an unfore-
seen death it shall find us prepared to limit
encroachment of the fever as much as lies in
our power; and

WHEREAS, Our present mode of burying
has some very important and dangerous de-
fects, which might easily be removed and
thereby one main complaint of the danger
of intermural burials be removed.

Be it ordained by the Board of Health, the
administration of the city concurring. That
on each of the present burial grounds in the
interior of the city, shall be erected forth-
with a double row of perfect air-tight tombs,
according to the specifications here added,
for the temporary interment of such who
have died of contagious diseases, and that
not before the lapse of three years such tombs
should be opened for the removal of its con-
tents.

These temporary vaults consists of a double
row of tombs built of fire bricks, and well
cemented inside with the best Portland
cement. Each tomb has on its posterior wall
a few openings which open into a division
apartment between the two rows—being about
one foot in depth and cemented on its sides
and on top. The top may, besides, be cov-
ered with earth two feet thick for planting
some flowers for ornamentation. The top
has only one opening, which is filled out by a
tube, which tube is let to a gas flame. It is
obvious